REMARKS

Response to Amendment

Claims 4, 5, 22-26, 36, 40, 41, 51 and 54-61 have been rejected. Claims 38, 39, 42-50, 52 and 53 have been withdrawn. Claims 4, 5, 22-26, 36, 51 and 54-58 have been cancelled. Claims 40, 41 and 59-61 have been amended. New claims 62-88 have been added. Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Objections

Claims 40, 41 and 58-61 are objected to because of informalities.

Claims 40, 41 and 59-61 have been amended. Claim 58 has been cancelled.

Claim Rejections – 35 USC § 112

Claims 40, 41 and 58-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 40, 41 and 59-61 have been amended. Claim 58 has been cancelled.

Claim Rejections – 35 U.S.C. § 103

Claims 40, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberwager (U.S. Patent No. 3,815,263) in view of Holt (U.S. Patent No. 4,127,689).

Claim 40 should be allowed for at least the reason that improving Oberwager with Holt is unobvious. First, there was no suggestion at the time of filing the present application to improve Oberwager's film with any features of Holt's non-adhering stained glass replacement panels, which are not even window coverings. Second, the references teach away from both of the particular improvements proposed by the Examiner, as each improvement would render Oberwager inoperable. *See* MPEP 2143.03, Paragraph V, citing *In re Gordon*, 221 USPQ 1125 (Fed. Cir. 1984).

I. No Suggestion To Improve Oberwager With Any Features Of Holt

First, there is no suggestion for one of ordinary skill to improve Oberwager based on any teachings of Holt. Instead, Oberwager explicitly instructs one of ordinary skill in the art to *avoid* "rigid colored and textured plastic sheet" technology for at least the reasons that the technology results in inferior simulations. *See* Oberwager, Col. 1, lines 50-57. The inferior "rigid and textured plastic sheets" that Oberwager describes negatively are the exact subject

matter of Holt. *See* Holt, Col. 2, lines 8-12. Therefore, the Examiner is using hindsight because, not only does Oberwager fail to suggest improvements based on Holt, Oberwager also explicitly warns that Holt's technologies produce insufficient simulations.

II. The Proposed Modifications Would Render Oberwager Inoperable

Second, one or ordinary skill in the art would have been dissuaded from making the Examiner's proposed improvements to Oberwager because the improvements render Oberwager inoperable for its intended purpose. Oberwager teaches that the stained glass simulation must be capable of self-adhering to a window. *See* Col. 1, lines 64-68, "It is a general objection of my invention to provide a kit... being capable of adhering permanently (but removably)... without adhesives...." Self-adherence to a window is achieved by using vinyl sheets having smooth, polished surfaces. See Col. 4, lines 62-68. Thus, any improvements ruining these smooth, polished surfaces would have been avoided as rendering Oberwager inoperable.

The Examiner's proposed modifications involve removing the front and middle colored sheets of Oberwager so that only a back sheet remains on a window. First, since the front sheet included the lead lines, the Examiner proposed taking the lead lines from Holt. Second, since the middle colored sheets provide translucency, the Examiner proposes taking the translucency effect from Holt.

Either of the above-described proposed Holt modifications would ruin the smooth, polished vinyl surfaces. The first proposed modification swaps Oberwager's lead-line front sheet in favor of Holt's raised lead lines that are ½ to 3mm thick. *See* Col. 2, lines 19-24, also see Fig. 2. Applying these raised lead lines to Oberwager would lead to a non-smooth surface that for example could create air pockets between the vinyl and the window, which would make the self-adherence feature inoperable. The second proposed modification swaps Oberwager's translucent colored middle pieces in favor of Holt's translucent effect. Holt's translucent effect is produced using transparent inks in combination with one or more optically distorting surfaces. The optically distorting effect is produced by deforming one or more surfaces using any of the five disclosed processes. Figs. 1-3 illustrate how the surface deformations produce non-smooth surfaces that would make a self-adherence feature inoperable. One would not have improved Oberwager in either of the two ways proposed by the Examiner because both proposals ruin the self-adherence feature of Oberwager.

III. Claim 40 Should Be Allowed

Regardless, the combination of Oberwager with Holt still does not provide the limitations specified in claim 40. Claim 40 specifies providing a single continuous non-laminated piece of thin, flexible plastic film material that includes sufficient opaciters that in combination with the multiple different colored layers of ink create a translucent non-opaque stained glass image that allows light to pass through the plastic file material and the window while at the same time evenly dispersing and diffusing the light as the light passes through thereby preventing the viewing of objects through the window.

Claim 40 further specifies the multiple different colored layers forming a substantially smooth and uniform outside surface on at least one entire side of the plastic material that self-adheres to the window through cohesion and atmospheric pressure. Claim 40 further includes the limitation of the multiple different colored layers of ink create a translucent non-opaque stained glass image that allows light to pass through the plastic file material and the window while at the same time evenly dispersing and diffusing the light as the light passes through thereby preventing the viewing of objects through the window where the translucent stained glass image formed by the printing of ink in a substantially uniform coating on the top surface of the plastic material to simulate an illuminated stained glass window and wherein the translucence of the window covering is provided without embossing, deforming, or laminating the transparent plastic material or embossing, deforming or laminating any film or layer onto the transparent plastic material.

This is all shown in FIG. 3 and described in the specification on page 3 last paragraph, where it states that the invention achieves translucency in the printing process without requiring embossing or lamination, thereby eliminating this entire step.

These limitations are not suggested in either Oberwager or Holt. In fact, both Oberwager and Holt teach away from the present invention by using either laminating or embossing methods to achieve light distortion. Oberwager teaches laminating multiple different sheets of plastic material together (see FIGS. 1-3). Holt teaches using a roller 21 (FIG. 4) to emboss 21 at least one surface of the covering. For example, Holt states: At least one or both surfaces of the sheet is roller coated to provide optically distorting characteristics for one or both surfaces of the sheet. This is clearly shown in FIG 3 where a coating 25 is applied to the color layer 13a. The coating 25 is described at column 3, line 67 as follows: "The roller then transfers coating 24 to the surface of sheet 16 to form distorted coating 25 which has a "grain leather" appearance and provides an optically distorting characteristic to the finished simulated stain glass article. As will be appreciated, a plurality of rollers can be

sued to apply and deform the coating 25" (emphasis added). Holt further teaches away from the present invention by also vacuum forming the printed sheet to provide the physical "grain leather surface" (Col. 3, lines 36; and Col. 4, line 31). Clearly, Holt teaches and requires embossing or deformation of surface formed on the sheet 16.

The present invention specifically avoids the lamination or embossing required in Oberwager and Holt, respectively. Inks and opaciters are applied to prevent a view while still allowing light diffusion. This allows a more consistent simulated stained glass product that is less expensive to manufacture than a laminated or embossed product. Additionally, by maintaining a smooth printed color layer coating, the present invention also creates a light dispersion characteristic that provides a different simulated stained glass lighting effect different than what would be provided in Oberwager and Holt. Thus, claim 40 should be allowed. Claims 41 and 60-61 are dependant and should be allowed for at least the same reason.

Claim 59 is rejected under 35 USC 103(a) as being unpatentable over Oberwager in view of Holt, further in view of Chmielnik (U.S. Patent No. 5,617,790).

Claim 59 is a dependant claim and should be allowed for at least the same reason as its base claim.

Furthermore, Chmielnik is a non-analogous reference (see MPEP 2141.01(a)) because Chmielnik is not from the field of window coverings (the field of the present invention) and because Chmielnik is not reasonably pertinent to the particular problems faced by the invention (addressing privacy and aestheticly hiding an unwanted view without blocking illumination.) One of ordinary skill in the art would not refer to Chmielnik's method of preparing curved metal printing plates when trying to address deficiencies in conventional window coverings.

New Claims

New claim 62 has been added. Support may be found in the present specification, page 8, first five paragraphs and FIG. 3. The uniform distribution of light shown in FIG. 3 is associated with the variable substantially uniform layer.

New claims 63-64 have been added. Support may be found in the present specification, page 7, last paragraph and

New claim 65 has been added. Support may be found in the present specification, page 6, second and third paragraphs as well as FIG. 3.

New claim 66 has been added. Support may be found in the present specification, page 6, advantage (k).

New claims 67-69 have been added. Support may be found in the present specification, page 7, last paragraph.

New claim 70 has been added. Support may be found in the present specification, page 7, last paragraph.

New claim 71 has been added. Support may be found in the present specification, FIG. 3. Support may also be found in the present specification, page 3, last two sentences.

New claim 72 has been added. Support may be found in the present specification, page 7, second to last paragraph.

New claims 73-75 have been added. Support may be found in the present specification, page 3, second paragraph. With respect to claim 74, the colored middle sheets of Oberwager are not applied directly to a window. Nor is there any suggestion to apply the colored middle sheets directly to a window.

New claim 76 has been added. Support may be found in the present specification, page 7, last paragraph.

New claim 77 has been added. Support may be found in the present specification, page 5, object and advantage (a). The deformed surfaces of Holt are non-smooth and cannot be easily cleaned. For example, wiping the surfaces would cause dirt and other debris to get caught in the crevices resulting from the surface deformations (or the raised lead lines). Therefore, any reference modified with Holt's surface deformation (or lead lines) cannot be easily cleaned.

A New claim set including claims 78-86 has been added. With respect to claim 79, the three dimensional lead lines of Holt are only properly viewed from the front. Therefore, any reference using Holt's lead lines cannot provide a stain glass simulation when viewed from the back. A New claim set including claims 87-88 has been added.

Cancelled Claims

Applicant has cancelled many claims strictly for business reasons. These cancellations have no correlation to patentability and should not be interpreted as an admission of any kind. Applicant therefore preserves the right to make any arguments directed any of the subject matter associated with the cancelled claims without prejudice.

CONCLUSION

The application is in condition for allowance and such action is respectfully requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,
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